

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

CAROL S. MARCELLIN, individually, and as Co-Administrator of the Estate of Charles E. Hollowell, deceased, and JESSICA HOLLOWELL-McKAY, as Co-Administrator of the Estate of Charles E. Hollowell, deceased,

Plaintiffs,

v.

HP, INC., and STAPLES, INC.,

Defendants.

**Civ. No. 1:21-cv-00704-JLS-HKS**

**PLAINTIFFS' RESPONSE TO DEFENDANTS' STATEMENT OF UNDISPUTED  
MATERIAL FACTS**

Plaintiffs provide the following responses to Defendants' Statement of Undisputed Facts in support of their Summary Judgment Motion (Dkt. 68-2):

1. Plaintiffs admit this is undisputed.
2. Plaintiffs admit this is undisputed.
3. Plaintiffs admit this is undisputed.
4. Plaintiffs cannot admit or deny this alleged fact as there is no admissible evidence supporting that these three documents were provided to purchasers other than an attorney declaration from an attorney lacking personal knowledge.
5. Plaintiffs admit that this warning appeared in the User Guide.
6. Plaintiffs admit this is undisputed.
7. Plaintiffs admit this is undisputed.

8. Plaintiffs admit that the Maintenance Guide provided this information but deny that there is any evidence in the record that Plaintiff ever received the Maintenance Guide.
9. Plaintiffs deny this paragraph because it is attorney argument and not an undisputed fact.
10. Plaintiffs admit that the fire broke out in the early morning hours of January 24, 2020.
11. Plaintiffs admit this is undisputed.
12. Plaintiffs admit this is undisputed.
13. Plaintiffs admit this is undisputed.
14. Plaintiffs admit this is undisputed.
15. Plaintiffs admit that thermal runaway in four lithium-ion cells contained in the subject laptop caused the fire and it may have been caused by overcharging one of the cells, but it also could have been caused by overvoltage or overtemperature, or a combination of the three because the battery pack lacked essential safety systems designed to prevent thermal runaway from occurring in any of these conditions. (Report of Steve Martin, Ph.D., Dkt. 67-3)
16. Plaintiffs agree that battery pack in the laptop was not the battery pack originally provided with the laptop and, upon information and belief, had HP markings which indicated it was manufactured in 2014, although it is believed those markings were fraudulent and it was a counterfeit battery pack, making the manufacture date unknown.
17. See 16 above.
18. Plaintiffs admit this is undisputed.

DATED: June 9, 2025  
Rochester, New York

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